

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

FRONTIER INVESTMENT BANC )  
CORPORATION, )  
Plaintiff, ) 8:09CV239  
vs. ) ORDER  
PLANET GROUP INC., )  
Defendant. )

This matter is before the court *sua sponte*, pursuant to NECivR 41.2, the court may, at any time, dismiss an action for lack of prosecution when it appears the case is not being prosecuted with reasonable diligence. The record reveals the complaint was filed on July 21, 2009. See Filing No. 1 - Complaint. The plaintiff filed a notice of executing a summons on the defendant July 22, 2009. See Filing No. 6. No other action has taken place in this matter. The answer is now past due. It remains the plaintiff's duty to go forward in prosecuting the case by, for example, filing a motion for the clerk's entry of default pursuant to Fed. R. Civ. P. 55 and NECivR 55.1(a). Upon consideration,

**IT IS ORDERED:**

The plaintiff has until the close of business **on September 25, 2009**, to file a motion for clerk's entry of default or show cause why this case should not be dismissed for failure to prosecute the defendant.

Dated this 17th day of September, 2009.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge